

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26367 of 2006

DATED 20.12.2006

Between:

Appani Gnaneshwar.

...

PETITIONER

versus

Municipal Corporation of Warangal,
represented by its Commissioner,
Near MGM Hospital, Warangal,
Warangal District.

...

RESPONDENT

WRIT PETITION NO.26367 of 2006

ORDER:

The matter is coming up for admission today. Heard Sri Subba Rao Korrapati, learned counsel representing the writ petitioner and Sri Durga Nageswara Rao, learned Standing representing the respondent.

2. The learned counsel representing the writ petitioner would submit that without following due procedure of law, attempts are being made by the respondent to lay the road in the lands of the petitioner, which is totally unjustified. Sri Durga Nageswara Rao states that in the event of laying of road in the lands of the petitioner, as stated by the petitioner, the respondent-Municipal Corporation of Warangal would follow due procedure of law.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent in trying to lay the road in the lands of the petitioner situated in S.No.397 of Fort Warangal village, Warangal, forcibly, without taking steps under the Land Acquisition Act as

arbitrary, illegal, in violation of Article 14 of the Constitution of India and consequently direct the respondent not to interfere with the possession and enjoyment of the land situated in S.No.397 of Fort Warangal village, Warangal, and pass such other suitable orders.

4. Several factual details are narrated in paragraphs 2 to 5 of the affidavit filed in support of the Writ Petition and OS No.300 of 1991 and the decree made therein on 14.7.1998 also had been referred to.

5. In view of the facts and circumstances well explained, this Court, without expressing any opinion about the merits, is inclined to dispose of the Writ Petition.

6. Accordingly the Writ Petition is disposed of directing the respondent not to make any attempts to lay road in the lands of the petitioner in S.No.397 of Fort Warangal village, Warangal, unless and until due process of law is followed in this regard. No costs.

20.12.2006

SSR